

Senate Bill No. 1703

CHAPTER 704

An act relating to child care, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 2000. Filed
with Secretary of State September 27, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1703, Escutia. Child care.

Existing law provides the priority for state and federally subsidized child development services except as provided for in child care for recipients of the CalWORKs program.

Existing law requires the superintendent to submit to the Joint Legislative Budget Committee a report documenting the performance of child care and development programs.

The bill would appropriate the sum of \$42,000,000 to the State Department of Education for specified child care purposes. The bill would declare appropriations for these purposes to be General Fund revenues appropriated to school districts for the purposes of Section 8 of Article XVI of the California Constitution, and to be within the total allocations to school districts and community colleges from the General Fund proceeds of taxes appropriated pursuant to Article XIII B of the California Constitution.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The sum of forty-two million dollars (\$42,000,000) is hereby appropriated from the General Fund to the State Department of Education for the purposes of funding, on a one-time basis, the following activities related to child care and development services:

(1) Expansion of child care facilities in state-subsidized centers through the purchase of portable facilities or renovation and remodeling of existing space through the Child Care Facilities Revolving Fund established pursuant to Section 8278.3.

(2) Grants for repairs and modifications to existing state-subsidized child care facilities to comply with health and safety and other licensing requirements and the federal Americans With Disabilities Act, and to increase inclusion of children with disabilities.

(3) Grants for equipment and instructional materials for state-subsidized child care providers, including those necessary to increase the inclusion of children with disabilities. Any grants for instructional materials shall be for the purpose of purchasing materials aligned with either the state's academic content standards for kindergarten and grades 1 to 12, inclusive, or the state's prekindergarten learning and development guidelines for preschool age children.

(4) Grants for state-subsidized child care providers to bring playground equipment into compliance with regulatory requirements.

(b) It is intended that the State Department of Education not impose traditional limits on grant amounts or on the number of grants to child care providers for purposes of paragraphs (2), (3), or (4) of subdivision (a), in order to maximize service to children where need is demonstrated. The State Department of Education shall give priority in the allocation of funds pursuant to subdivision (a) to underserved areas and to expanding capacity to serve disabled children.

(c) (1) Funds appropriated pursuant to the act adding this section shall not be available for expenditure until an allocation plan is submitted by the State Department of Education to the Department of Finance and the Department of Finance approves the plan. The allocation plan shall include, but is not limited to, the amounts of funding that will be set aside for each of the purposes specified in subdivision (a), specific criteria for ensuring that priority is given to underserved areas, and specific criteria for expanding child care capacity to serve disabled children.

(2) The State Department of Education shall report to the Legislature and the Department of Finance on or before September 1 of each fiscal year, commencing with September 1, 2001, and for three years thereafter, on the implementation of the allocation plan described in paragraph (2). The report shall include the numbers of applications and funding by type of use, the child care capacity generated, and the amount of funds remaining for allocation.

(d) (1) The Department of Finance may consider and approve an amount equal to a maximum of 30 percent of the funds appropriated pursuant to subdivision (a), as determined by the State Department of Education, to be granted to local planning councils or resource and referrals agencies for purposes of increasing the capacity of nonstate subsidized child care providers to serve disabled children in child care settings that meet their developmental needs, consistent with the intent of the Child Care and Development Services Act pursuant to Chapter 2 (commencing with Section 8200) of Part 6. A local planning council or resource and referral agency may expend funds granted to it pursuant to this subdivision for any of the following:



(A) To contract for various purposes that may include, but are not limited to, providing training and technical assistance to child care and development providers, developing local plans, and conducting awareness and outreach, provided that the activities contracted for further the purposes of this subdivision.

(B) To purchase or lease portable accessibility enhancements that may be temporarily loaned or leased to nonstate subsidized child care and development providers to provide access to disabled children.

(C) To establish a direct loan program to nonstate subsidized child care and development providers for purposes that may include acquisition of physical improvements, equipment, and instructional materials to increase the providers' ability to serve disabled children.

(2) Any proposed allocations subject to this subdivision shall include a detailed description of and justification for the features of the program and shall include the specific uses of the funds that may be authorized, the amount and range of loan amounts, fiscal accountability requirements for administering agencies including loan repayments, and loan requirements for child care providers that assure the funds are utilized to efficiently increase services to children receiving subsidies through state alternative payment programs, including those serving CalWORKs populations.

(e) The Legislature finds and declares that funds allocated for purposes of subdivision (d) serve an essential educational purpose as a resource for public elementary and secondary schools and are intended to the educational mission of school districts and further the education of public school pupils and others by providing early childhood development for school readiness. It is, therefore, the intent of the Legislature that, notwithstanding Section 42102 of the Education Code, the appropriation made by subdivision (a), for purposes of subdivisions (a) and (d), shall be counted toward the state minimum funding obligation of the public school system under Section 8 of Article XVI of the California Constitution.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenue appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2000–01 fiscal year, and included within the "total allocations to school districts and community college from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 2000–01 fiscal year.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide necessary funding for child care purposes, it is necessary that this act take effect immediately.

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